

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number
B819.12-0010

In re Application of: Weston F. Harding et al.

Application No.: 10/828,964

Filed: April 21, 2004

For: NEEDLELESS LUER ACCESS CONNECTOR



The owner*, Weston F. Harding et al., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,908,459 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 57,588

Carolyn H. Beck
Signature

March 16, 2009
Date

Carolyn H. Beck
Typed or printed name

612 337 7216
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

FEE TRANSMITTAL

Complete if Known

| | |
|----------------------|---------------------|
| Application No. | 10/828,964 |
| Filing Date | April 21, 2004 |
| First Named Inventor | Weston F. Harding |
| Group Art Unit | 3763 |
| Examiner Name | Vu, Quynh-Nhu Hoang |
| Atty. Docket Number | B819.12-0010 |

Total Amount of Payment **\$140.00**

METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No.11-0982. Deposit Account Name: Kinney & Lange, P.A.

2. ☒ Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

| Appn. Type | FILING FEE FEE/SMALL | SEARCH FEES FEE/SMALL | EXAM FEES FEE/SMALL | FEES PD. |
|-------------|-------------------------|--------------------------|------------------------|----------|
| Utility | 330 / 165 | 540 / 275 | 220 / 110 | |
| Design | 220 / 110 | 100 / 50 | 140 / 70 | |
| Reissue | 330 / 165 | 540 / 270 | 650 / 325 | |
| Provisional | 220 / 110 | -0- / -0- | -0- / -0- | |

Subtotal (1) \$ -0-

2. EXTRA CLAIM FEES

| | Number Claims | Prior | Extra | Fee from Fee Paid Below |
|---------------------------|------------------|-------|-------|----------------------------|
| Total | - | = | X | = |
| Indep. | - | = | X | = |
| Multiple Dependent Claims | | | | = |

Insert 3 and 20, or number previously paid if greater; Reissue see below

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Description |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|---|
| 1202 | 52 | 2202 | 26 | Claims in excess of 20 |
| 1201 | 220 | 2201 | 110 | Independent claims in excess of 3 |
| 1203 | 390 | 2203 | 195 | Multiple Dependent Claim |
| 1204 | 220 | 2204 | 110 | Reissue Independent Claims Over Original Patent |
| 1205 | 52 | 2205 | 26 | Reissue claims in excess of 20 and over original patent |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 small) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s). \$-0-

Subtotal (2) \$-0-

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee paid |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - Late filing fee or oath | --- |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | --- |
| 1053 | 130 | 1053 | 130 | Non-English specification | --- |
| 1812 | 2,520 | 1812 | 2,520 | For Filing a Request for Reexamination | --- |
| 1251 | 130 | 2251 | 65 | Extension for reply within first month | --- |
| 1252 | 490 | 2252 | 245 | Extension for reply within second month | --- |
| 1253 | 1,110 | 2253 | 555 | Extension for reply within third month | --- |
| 1254 | 1,730 | 2254 | 865 | Extension for reply within fourth month | --- |
| 1255 | 2,350 | 2255 | 1,175 | Extension for reply within fifth month | --- |
| 1402 | 540 | 2402 | 270 | Filing a brief in support of an appeal | --- |
| 1403 | 1,080 | 2403 | 540 | Request for oral hearing | --- |
| 1814 | 140 | 2814 | 70 | Terminal Disclaimer Fee | 140 |
| 1452 | 540 | 2452 | 270 | Petition to revive - unavoidable | --- |
| 1453 | 1,620 | 2453 | 810 | Petition to revive - unintentional | --- |
| 1501 | 1,510 | 2501 | 755 | Utility/Reissue issue fee | --- |
| 1502 | 860 | 2502 | 430 | Design issue fee | --- |
| 1464 | 130 | 1464 | 130 | Petitions to the Commissioner | --- |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | --- |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Statement | --- |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | --- |
| 1801 | 810 | 2801 | 405 | Request for Continued Examination (RCE) | --- |
| Other fee (specify) _____ | | | | | --- |
| Subtotal (3) \$ | | | | | 140.00 |

Signature Carolyn H. Beck Reg. No. 57,588
Carolyn H. Beck

Date March 16, 2009 Deposit Account No. 11-0982